IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 22572 of 1994

Between:

1.C.Pennappa (Died) son of Chinna Hanumappa
Malapuram village, Vidapanakal Mandal, Anantapur Dist
2. C.Galappa son of C.Pennappa (LR)
Petitioner 2 brought on record as the LR of deceased first petitioner as per court order dt 27/9/96 in WPMP 9214/95

.... PETITIONERS

AND

1 The Revenue Divsional Officer
Anantapur Dist
2 The Mandal Revenue Officer
Vidapanakal Mandal, Anantapur Dist
3 C.Vannappa son of Anjanappa
R/o Malapuram , Vidapanakal Mandal,
Anantapur Dist
4 C.Devendrappa son of Anjanappa
R/o Malapuram, Vidapanakal Mandal,
Anantapur dist
5 The Station HOuse officer
Vidapanakal, Anantapur

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction particularly one in the nature of the Writ of Mandamus declaring the proceedings in Rc. No. (D2) 1334/91 dated. 23/05/92 illegal, arbitrary and in violation of principles of natural Justice and pass such other order or orders.

Counsel for the Petitioner: MR.A.BHASKARA CHARY

Counsel for the Respondent 1,2 and 5: GP for Revenue

Counsel for the Respondent No.3 and4: MR.ADDEPALLI SURYANARAYANA

The Court made the following:

ORDER:

Heard both sides.

The petitioners in this Writ petition seek a writ of Mandamus to declare the proceedings in R.C.No.(D2) 1334/91 dated 23.05.992 passed by the first respondent herein, whereunder the police protection was sought to be given to the respondents 3 and 4 herein.

The case of the petitioners, in brief, is that having regard to the orders passed on 22.02.1991 by the first respondent himself and remanding the matter back to the Mandal Revenue officer-second respondent for de novo enquiry, no enquiry is conducted nor any notice is given for such enquiry. Hence, this Writ Petition.

On considering the submissions made and on perusal of the material on record, as the impugned order is only one for providing police protection, prima facie, I do not find any justification to interdict at this length of time. More so, when the said order is in force all along no interim orders were granted in this matter. However, it would suffice in the interest of justice to direct the second respondent herein to take up the enquiry and pass orders on merits in accordance with law after giving notice and opportunity to both sides in terms of the orders passed by the first respondent on 22.02.1991. The entire said exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

With the above directions, the writ petition is disposed of. No costs.

02-09-2004

kvrm/skmr

To

1 The Revenue Divsional Officer
Anantapur Dist
2 The Mandal Revenue Officer
Vidapanakal Mandal, Anantapur Dist
3. The Station House Officer, Vida Panakal,Anantapur.

4. 2 CC to GP for Revenue, High Court Buildings, Hyderabad. (OUT)

4. 2 CD copies.